

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GIOVANA GISCOME AND CIARA
LOVELANCE,

Plaintiffs,

vs.

GRANDEHO'S INCORPORATED
and DOES 1-10,

Defendants.

Case No.: 13-cv-03308-YGR

**ORDER TERMINATING DEFENDANT'S
MOTION TO DISMISS**

Defendant Grandeho's Inc. filed a Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(6) on September 20, 2013. (Dkt. No. 15.) On October 3, 2013, Plaintiffs filed a First Amended Complaint for Damages and Injunctive Relief. (Dkt. No. 16.)


Federal Rule of Civil Procedure 15(a) provides that a party may amend a pleading—here, the complaint—once as a matter of course if filed within 21 days after service of a motion under Rule 12(b), (e), or (f). Plaintiffs' First Amended Complaint was filed within the permitted time period after Defendant filed its Motion to Dismiss. As such, that complaint is the operative complaint in this action.

In light of the above, Defendant's Motion to Dismiss is hereby **TERMINATED** as moot based on Plaintiff's amendment. The hearing scheduled for October 29, 2013 is hereby **VACATED**.

This Order terminates Dkt. No. 15.

IT IS SO ORDERED.

Date: October 23, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE